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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,110	08/22/2003	Gerard E. Moy	8430	
75	90 08/10/2005		EXAM	IINER
Gerard E. Moy			JOHNSON, JERROLD D	
1608 Danube La	ane			
Plano, TX 750)75		, ART UNIT	PAPER NUMBER
			3728	
		·	DATE MAIL ED. 00/10/200	_

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Occurrence	10/646,110	MOY, GERARD E.				
Office Action Summary	Examiner	Art Unit				
	Jerrold Johnson	3728				
The MAILING DATE of this communication ap Period for Reply	opears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPITHE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a report of the period for reply specified above, the maximum statutory period for reply within the set or extended period for reply will, by statutionary reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tin ply within the statutory minimum of thirty (30) day d will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	nely filed /s will be considered timely. I the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on <u>06</u> .	June 2005.					
2a) This action is FINAL . 2b) ⊠ Th	is action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ☑ Claim(s) 1-6 and 10-18 is/are pending in the 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) 1-6 and 10-18 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/	awn from consideration.					
Application Papers		•				
9)☐ The specification is objected to by the Examin	ner.					
10)☐ The drawing(s) filed on is/are: a)☐ ac	cepted or b) objected to by the I	Examiner.				
Applicant may not request that any objection to the	•	• •				
Replacement drawing sheet(s) including the corre						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	nts have been received. Its have been received in Applicationity documents have been received au (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s)	🗖					
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Linterview Summary Paper No(s)/Mail Da					
Notice of Draitsperson's Patent Drawing Review (P10-946) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date		Patent Application (PTO-152)				

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10,12,13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 should read "attached to one of the lateral sides of the inner surface..." as the protrusion cannot be attached to all of the sides.

Claims 12 and 13, "fixed partitions" should be replaced by "at least one fixed partition."

Claim 17 should depend from claim 16 and is being examined as such.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 1-3,5,6,11-14,16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leinhop US 5,944,532 in view of Krayer, Jr. et al. Des 369,621 and Fowler et al. US 4,860,897.

Leinhop discloses a storage box system 1 comprising a generally rectangular box 2, a flat lid 3, releasable means (not identified) and at least one fixed partition.

Leinhop does not disclose hanging means or hangers for supporting the storage box along the bars of a hanging filing system.

Krayer discloses the use of hanging means or hangers disposed on the lateral sides of a storage box. In this design patent, the storage box is shown without its cover, but on the Steelcase website the cover is provided with the storage box.

Fowler teaches the same hanging means as the current application. The hanging means extend from the outer surface of the left and right sidewalls of the device, and include a depression in the lower edge thereof.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the storage box of Leinhop with the teaching of using hanging means or hangers as taught by Krayer so that the storage box can be stored within a hanging file system. It further would have been obvious to have modified the storage box of Leinhop with hanging means or hangers of the shape as taught by Fowler, as such a shape enhances the rigidity of the hanger as well as provides a secure engagement with hanging rods of a hanging file system.

Re claim 2, Leinhop shows this clasp configuration.

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Re claim 3, Fowler shows this configuration.

Re claim 5, Fowler shows two hangers in an orientation where more than two could be used.

Re claim 6, Fowler shows this configuration.

Re claim 11, the storage box of Leinhop is suitable for the claimed intended uses.

Re claim 12 and 13, Leinhop shows these configurations in Fig. 1 (claim 12) and on the front page of the patent (claim 13).

Re claim 14, see Leinhop Fig. 1.

Re claim 16 and 18, see above.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leinhop US 5,944,532 in view of Krayer, Jr. et al. Des 369,621 and Fowler et al. US 4,860,897 and further in view of Ong US 5,971,166.

Leinhop in view of Krayer and Fowler only teaches two hangers. Fowler, however does show a hanger which is of a sufficiently small size in thickness so that more that one hanger could be used on the sidewall of the storage box of Leinhop.

The duplication of parts is not typically patentably significant unless a new and unexpected result occurs. See MPEP 2144.04. In the present application, no such unexpected result occurs.

Additionally, Ong teaches how four hangers can be used instead of two to support a storage box on a hanging file system.

Accordingly, it would have been obvious to one of ordinary skill in the art to increase the number of hangers from two to four so that a greater weight could be stored in the storage box without damaging the hangers.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leinhop US 5,944,532 in view of Krayer, Jr. et al. Des 369,621 and Fowler et al. US 4,860,897 and further in view of Examiner Official Notice.

Leinhop in view of Krayer, Jr. and Fowler does not disclose labeling means.

Labeling means of many types including adhesive backed labels and roughened panels suitable for receiving writing are both old and well known in plastic storage containers.

It would have been obvious to one of ordinary skill in the art to modify the storage box of Leinhop in view of Krayer, Jr. and Fowler with labeling means so that the content or ownership of the storage box could be identified by the user.

Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leinhop US 5,944,532 in view of Krayer, Jr. et al. Des 369,621 and Fowler et al. US 4,860,897 and further in view of White Jr. et al US Des. 259,154 and Chen US 5,826,719.

Leinhop does not disclose removable partitions.

Removable partitions are commonly known in storage boxes of the type discloses by Leinhop.

White discloses a storage box where the fixed partitions are configured to receive removable partitions in one of the common configurations of storage boxes of this type.

Chen discloses the claimed structure of removable partitions of rectangular shape having slightly larger cross-sectional members integrally attached to the lateral edges being received in opposed slots of essentially the same shape as the members (See Fig. 5). The two members are integrally attached to the lateral edges of the partitions along their (the members) entire extent.

It is further noted that although the members and slots do not extend the entire length of the lateral edges, this configuration is not precisely claimed and Chen does meet the limitation. However, configurations where the members and slots extend the entire length are common in the marketplace, and are more common than the configuration shown by Chen.

Furthermore, although not found in patent form, the different configurations of the storage box (without hangers) set forth in the present application are believed by the Examiner to be within the public domain, as such storage boxes are believed to be known for a considerable period of time. Specifically, the Examiner believes that although prior art has not been submitted by the Applicant or uncovered by the Examiner teaching the exact configurations of the storage boxes (sans hangers), that the storage boxes are known and that the invention set forth in the present application is drawn to an improvement on a prior art storage box through the inclusion of hangers allowing the storage box to be hung. Accordingly, the Examiner believes that the relevant issue in the present application is not whether the claimed particulars of the

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storage box (sans hangers) define over the prior art, but whether the teachings of

hangers in the prior art (particularly Krayer and Fowler) provide adequate teachings

setting forth the obviousness of providing hangers to known storage boxes.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jerrold Johnson whose telephone number is 571-272-

7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Supervisory Patent Examiner

Group 3700